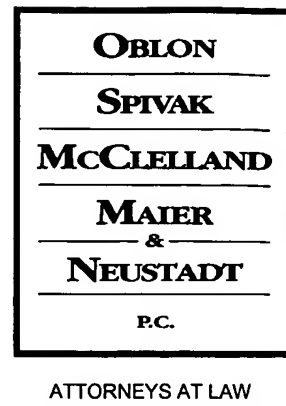




Docket No.: 244420US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/692,798
Applicants: Yukio TANIGUCHI, et al.
Filing Date: October 27, 2003
For: CRYSTALLIZATION APPARATUS AND
CRYSTALLIZATION METHOD
Group Art Unit: 1756
Examiner: Rosasco, Stephen D.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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DOCKET NO: 244420US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YUKIO TANIGUCHI, ET AL. : EXAMINER: ROSASCO, STEPHEN D.
SERIAL NO: 10/692,798 :
FILED: OCTOBER 27, 2003 : GROUP ART UNIT: 1756
FOR: CRYSTALLIZATION APPARATUS :
AND CRYSTALLIZATION METHOD

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated July 26, 2005, Applicant provisionally elect with traverse Group I, Claims 1-34, directed to a crystallization apparatus and a crystallization method. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants respectfully traverse the Restriction Requirement on the grounds that the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.


In the present application no undue burden has been established if each of the claims were examined together. In contrast, the present restriction requirement subjects the

Applicants to the added financial burden of prosecuting Claims 1-34 and Claims 35-44 in separate proceedings.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-44 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAJER & NEUSTADT, P.C.



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